

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:96-CR-84

v.

HON. ROBERT HOLMES BELL
SAMMY DYER,

Defendant.

/

MEMORANDUM OPINION AND ORDER

This matter is before the Court on defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #743). Based on a review of defendant's motion, the Sentence Modification Report, submission by counsel for both parties, and the original criminal file, the Court has determined that the motion should be denied for the following reason(s):

Defendant was sentenced on June 27, 1997 to 360 months custody and 10 years supervised release following his conviction for Conspiracy to Distribute and Possession with Intent to Distribute Cocaine, Cocaine Base, and Marijuana contrary to 21 U.S.C. §§846 and 841(a)(1).

The Sentence Modification Report prepared as a result of defendant's Amendment 750 motion states that defendant's total offense level, criminal history category, and

guideline range remain unchanged from the guidelines at the time of defendant's sentencing on June 27, 1997.

Since Amendment 750 does not result in a lower guideline range, defendant is not eligible for a sentence reduction under 18 U.S.C. §3582(c)(2) and USSG §1B1.10(a)(2)(B).

ACCORDINGLY, defendant's motion (docket #743) is **DENIED**.

Date: November 15, 2012

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE